

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:

E. I. Du Pont de Nemours
and Company

Wilmington, Delaware

Document No.

AFFIDAVIT IN SUPPORT
OF CERTIFIED STATEMENT

1. My name is Richard Hefter and I am Chief of the High Production Volume Chemicals Branch in the Risk Assessment Division of the Office of Pollution Prevention and Toxics ("OPPT") for the United States Environmental Protection Agency ("EPA"). I have been the Chief of the High Production Volume Chemicals Branch for EPA for more than five (5) years, and I have worked for EPA for 26 years. I am leaving EPA (Federal service) effective July 26, 2004.
2. As the Chief of the High Production Volume Chemicals Branch, I am delegated the authority to make decisions regarding TSCA § 8(e).
3. TSCA § 8(e) is EPA's early warning mechanism for learning about substantial risks from chemicals. My branch, other members of the staff of the Risk Assessment Division, and I review 8(e) documents submitted to EPA.
4. EPA established Administrative Record 226 ("AR 226") for information being collected on a chemical known as PFOS. During the collection of PFOS information, the EPA learned much about perfluorooctanoate acid (PFOA) (Octanoic acid, pentadecafluoro- Chemical Abstracts Service Registry Number 335-67-1) and decided to collect PFOA

information in AR 226.

5. My staff, other members of the staff of the risk assessment division, and I have reviewed and considered many of the documents contained in Administrative Record 226 (AR226).
6. AR226 contains documents submitted by E. I. Du Pont de Nemours and Company ("DuPont), the Environmental Working Group ("EWG"), Robert A. Bilott, Esq., of Taft, Stettinius & Hollister LLP ("R. Bilott"), among others, concerning PFOA.
7. DuPont manufactures PFOA in the United States.
8. Dupont often refers to PFOA as C-8. PFOA is also referred to as FC-143, which is the 3M trademark for this chemical.
9. On March 6, 2001 R. Bilott mailed a letter concerning PFOA to the EPA's Chemical Control Division, included in AR 226 and catalogued by EPA as AR226-1246.
10. R. Bilott's submission was the first time the EPA obtained a document describing the results of a DuPont blood sampling program for PFOA at the Washington works facility.
11. This document, describing the result of a DuPont blood sampling program, was an August 1981 revision of a DuPont document dated May 14, 1981.
12. I received and read the April 11, 2003 EWG letter requesting EPA to review information concerning potential TSCA 8(e) violations by DuPont. This letter is included in AR226 and catalogued by EPA as AR226-1507.
13. I determined that DuPont was required to report the human blood sampling information concerning the transplacental movement of PFOA under the authority of TSCA section 8(e) on one of the three occasions identified in my certified statement (Attachment 1).
14. I determined that because the human blood sampling information concerning the

transplacental movement of PFOA supports the conclusion that PFOA presents a substantial risk of injury to health, DuPont was therefore required to immediately inform the Administrator of this information under TSCA section 8(e).

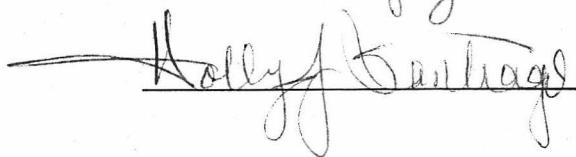
15. As indicated in my certified statement (Attachment 1) the human blood sampling information concerning the transplacental movement of PFOA was not corroborative of information already documented in the published scientific literature nor was the Administrator adequately informed at the time the reports were completed by DuPont and subsequent to that time.
16. R. Bilott's March 6, 2001 submission also included several items concerning PFOA contamination of public drinking water supply wells in communities in the vicinity of DuPont's Washington Works Facility. R. Bilott's letters dated March 6, 2001 and July 3, 2003, included numerous attachments that included internal DuPont memoranda indicating that DuPont had obtained information concerning PFOA contamination in public drinking water supply wells that were well above an internal standard set by DuPont in 1991, called the Community Exposure Guideline for water (CEGw).
17. I determined that DuPont was required to report the information concerning PFOA contamination of public drinking water supply wells under the authority of TSCA section 8(e) on one of the three occasions identified in my certified statement (Attachment 2).
18. I determined that because the information supports the conclusion that PFOA contamination of public drinking water supply wells presents a substantial risk of injury to health i.e., previously unsuspected environmental contamination of public drinking water, DuPont was therefore required to immediately inform the Administrator of this

information under TSCA section 8(e).

19. As indicated in my certified statement (Attachment 2), the monitoring results were not corroborative of information already documented in the published scientific literature nor was the Administrator adequately informed at the time the monitoring data were obtained and subsequent to that time.

 7/24/04
Richard Hefter
Affiant.

Subscribed and sworn to before me this 24 day of July, 2004.

 ex 11/30/2008